

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
September 16, 2003

Draft

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Thael followed by the Pledge of Allegiance to the Flag.

Awards and Presentation

- The attached retirement resolution was presented to Leon County Employee Rosemary Bottcher, the County's first Hazardous Waste Director, in honor of her service to Leon County after 11½ years of employment.
- The attached resolution was presented to representatives honoring ECHO's Bethany Family Apartments
- The resolution recognizing "Stepping Towards Health: A Community Initiative" was continued until September 23, 2003.
- The attached resolution was presented to Tallahassee Fire Department, recognizing their efforts by finishing in 1st Place in a National Competition in Dallas, Texas, earning the title for "Extraction from Vehicles."
- Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to adopt the attached resolution, which designates September 16, 2003 as "Take A Loved One to the Doctor Day." Ms. Mary Anzarabe, Executive Director of the Neighborhood Health Services accepted the resolution and thanked the Board for their support.
- Update on the Water Quality Monitoring of the Lakes in Leon County

Sean McGlynn of McGlynn Laboratories gave an update on the Water Quality Monitoring of the lakes in Leon County, which is the Leon

County Lakes Ecology Project. He used overhead slides in his presentation and explained that he monitors 40 stations per month, approximately 47 parameters, and 45,000 measurements per year. It involves parameters of dissolved oxygen, solids, nitrates, and phosphates. Mr. McGlynn is certified by the National Environmental Laboratories Accreditation Program and has been working on the lakes for the past 12 years. He explained the condition of the lakes in Leon County:

- The lakes are in a struggle of plan succession with aquatic grasses growing in the clean lakes where there are no nutrients; once they get fertilizer, the herbaceous plants grow and when it worsens, they fill up the lakes with algae
- The greatest perceived problem is aquatic plants
- The lakes are unique because of karst geology; they do not follow the normal rules
- Some of the lakes lack public access and without that, federal funding cannot be provided for restoration
- Suggested partnering with the Wildlife Commission to provide public access
- The lakes are impacted by urban stormwater resulting from increased development
- Compliance with current County stormwater standards are needed to reduce nutrient enrichment
- Retention ponds alone will not clean it all up; also needed are unified stormwater standards, lake tributary buffer zones, improved erosion control, stabilized ditches, measures to reduce the flow velocities; reduce the amount of phosphates in fertilizers
- Noted that more programs for protecting the lakes are coming forward everyday

Chairman Grippa explained that he has offered a comprehensive plan amendment for unified stormwater standards and encouraged the Board to support it when it comes forward. Chairman Grippa asked where the sewer flows from the Killearn Chain of Lakes, Unit 1 and 2, Mr. McGlynn explained that it flows into Lake Iamonia through Lester Cove (a sink hole); when he conducted a study on Lester Cove, it was discovered that there was more loading from Killearn Chain of Lakes and Lake Monkey Business into Lake Iamonia than any other source. Chairman Grippa suggested that when staff prepares the report for the Blueprint consultant that they work with Mr. McGlynn regarding Lake Iamonia since it is a water quality and drinking water issue.

Commissioner Thael wanted to know if the lakes in the area were cleaner or dirtier than they have been in the past. Mr. McGlynn pointed out that at the moment the lakes have been rejuvenated by

natural processes so right now the lakes are cleaner, but they will return to their previous state when the same stormwater flows into it.

Commissioner Thael asked about the aquifer study and wanted to know when to expect the final report. Mr. McGlynn responded that he was not prepared to talk about it at this time. He advised that he was working with the following agencies:

- Working with DEP Springs initiative to identify sink holes and karst systems in the area and identify well locations
- Working with other agencies such as USGS, the City and DEP who are also conducting studies to coordinate
- Working with the people in Wakulla Springs to get an answer to the problems
- Working with other institutions such as FAMU's Environmental Science Department

Commissioner Thael stated that he is very concerned about nitrate input from the Southeast sprayfield farm and pollution to the underground water supply. He explained that the reason he wanted a definitive conclusion to the study was because the City will be requesting a permanent renewal to the sprayfield in early summer of 2004 and the County would need scientific evidence showing that the sprayfield was or was not a contributor of pollution to the underground waters. Mr. McGlynn indicated that the study would probably not be done by summer of 2004, but by mid-point in the study, he would provide the Board with an interim report and would hope to answer the important questions. He also offered to meet at a different time to show Commissioners the information he has to date.

Commissioner Winchester emphasized the importance of a joint stormwater utility and for the County to participate aggressively regarding the TDML (total daily maximum loads) that the County's waterbodies are receiving. He noted, from the report, that some of the lakes have significant levels of nitrates and phosphates such as Lake Munson, Lake Lafayette and Lake Jackson (and Fords Arm is becoming a holding pond for the ponds upstream). Commissioner Winchester asked if the County should target those lake areas with more aggressive treatments; he wanted to know if Mr. McGlynn was aware of those treatments and could bring back information at a later date, and perhaps conduct additional treatment upstream while at the same time, pursue retrofit for all waterbodies in the County. Mr. McGlynn responded that additional treatment could be done on the lakes such as allum injection, a chemical means to clean the water to be injected in the watershed. Commissioner Winchester suggested that something like this should be done to reduce the pollutant load

while at that same time pursue the "bigger picture." He requested that staff bring back a detailed list of items (using the example from Lake Munson to Lake Jackson) and then the Board could decide about contracting the work with Mr. McGlynn.

Commissioner Rackleff suggested forming an intergovernmental agency or committee to meet quarterly on the stormwater and water quality programs; include a capital list; pull together the water management district and Florida DOT so there is an opportunity to look at one single document and see what the programs involve. This provides an opportunity for coordination, information sharing and regular discussion and to move toward a real stormwater authority.

Chairman Grippa explained that at the Mayor/Chair meeting the issue was discussed. Both City and County staff will be looking at the issue and new calculations for stormwater fees based on impervious surface and will bring back recommendations for a joint stormwater plan to both Commissions. The Chairman stated that this would achieve the goal that was suggested by Commissioner Rackleff.

(Chairman Grippa advised the minutes of the Mayor/Chair meetings would be distributed to the Board within a certain time frame.)

Commissioner Thaelle suggested that if the City does not show a strong willingness to proceed, the Board should consider, as a strategy or fallback, initiating the Charter amendment; authorizing the establishment of a stormwater utility in Leon County and have the voters make a decision on whether to have joint plan. Commissioner Thaelle requested that staff bring back a procedure for initiating a charter amendment to set up a joint stormwater utility for the first meeting in October.

Commissioner Proctor asked that the County attorney look at and use Mr. Sean McGlynn, if needed, to determine if the County has a recourse against the state or federal government since the State permitted the DRI (development of regional impact) for the sheet flow system in Killbuck Lakes which resulted in the flooding and septic tank problems years later.

John Kraynak advised that staff has studied Lester Cove and have data that shows significant loadings coming from Killbuck Lakes but it is not all from the septic systems; there are a lot of non point sources from the sheet flow system, i.e., fertilizers, golf course, and other multiple sources.

Commissioner Sauls explained that later in the meeting the Board would be discussing the pollution that is coming from Georgia, which affects Leon County's lakes and impacts the subject issue as well.

The Board then entered public hearing items starting with Item Number 40.

Consent Agenda

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve the following Consent Agenda with the exception of Items 3, 9, 10, 11, 12, 13, 21, 26, 29, and 30, which were addressed as described:

1. Approval of Minutes

The Board approve the Minutes of September 2, 2003 Community Meeting, District 2.

2. Approval of Payment of Bills and Vouchers Submitted by the Clerk

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for September 16, 2003: \$14,099,856.14

3. Authorization to Enter into an Interlocal Agreement with Sarasota County for the Use and Support of Budget Preparation and Development Software

Commissioner Thaeil moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve Option 1: Approve the Interlocal Agreement with Sarasota County for the use of the budget preparation system (Governmental Enterprise Management System "GEMS") for a maximum first year cost of \$20,000 and authorize the Chairman to execute.

4. Approval of Revised County Travel Policy No. 01-10 to Change Per Diem and Mileage Reimbursement Rates

The Board approved Option 1: Approve the revised Leon County Travel Policy No. 01-10 to link lodging per diem to the most current GSA standard rate, mean allowance rates to the most current GSA rates and mileage reimbursements to the most current IRS rate

and approve the attached resolution (R03-) authorizing the revisions:

5. Approval to Use Fund 114 Unappropriated Fund Balance to Supplement Mediation Services Budget for FY 2002-2003

The Board approved Option 1: Authorize the transfer \$7,200 from Family Mediation Services (Fund 114) Unappropriated Fund Balance to supplement Mediation Services and approve the Resolution and associated Budget Amendment:

6. Acceptance of the FY 2002-2003 Third Quarter Status Report for the Tourist Development Council

The Board approved Option 1: Accept the Third Quarter, FY 2003 Status Report for the Tourist Development Council: See attachment:

7. Approval of Interlocal Agreement with the *Original Florida* Tourism Task Force for Tourism Promotion

The Board approved Option 1: Approve the Interlocal Agreement with the *Original Florida* Tourism Task Force for the tourism promotion in the North Central Florida region.

8. Approval of Resolution Establishing an ICMA Money Purchase Retirement Plan

The Board approved Option 1: Approve the attached Resolution R03- establishing a 401 money purchase retirement plan to be administered by ICMA:

9. Approval of the Second Amendment to the Agreement with Legal Services of North Florida, Inc., Extending the Contract for the Provision of Juvenile Dependency Attorney Services, from October 1, 2003 through June 30, 2004

Commissioner Proctor pulled this item and stated that his comments are relative to Items 9, 10, 11, and 12. He suggested that the County consider using other providers for juvenile dependency cases. He suggested having a process where African-American law firms are afforded an opportunity to handle the work in Juvenile Delinquency, Traffic, Misdemeanor and Conflict Attorney services and that this be considered for the contracts next year.

County Attorney Thiele explained that effective July 1, 2004, his office will not be handling any of these contracts since it will be an Article 5 State function.

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Winchester and Thael were out of the Chambers), to approve as recommended, Agenda Items 9, 10, 11, and 12.

9 – Option 1: Approve the Second Amendment to the agreement, extending the contract for the provision of Juvenile Dependency attorney services with Legal Services of North Florida, Inc., for a period of nine months from October 1, 2003 through June 30, 2004.

10. Approval of the Amendment to the Contract with John C. Kenney, Extending the Term of the Contract for the Provision of Conflict Attorney Services for Juvenile Delinquency Cases Until June 30, 2004

(This item was voted on and approved as described above under Item 9.)

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Winchester and Thael were out of the Chambers), to approve as recommended, Agenda Items 9, 10, 11, and 12.

10 – Approve the amendment to the contract with John C. Kenny, Esq. extending the term of the contract until June 30, 2004, for conflict attorney services for Juvenile Delinquency cases.

11. Approval of the Contract Extension with the Firm of Banks and Morris, P.A. for Conflict Attorney Services in Traffic/Misdemeanor Cases Until June 30, 2004

(This item was voted on and approved as described above under Item 9.)

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Winchester and Thaell were out of the Chambers), to approve as recommended, Agenda Items 9, 10, 11, and 12.

11 – Approve the contract extension with the firm of Banks and Morris, P. A. for a period of nine months, commencing October 1, 2003 and expiring on June 30, 2004, for conflict attorney services in Traffic/Misdemeanor cases.

12. Approval of the Contract Extension with Banks & Morris, P.A. and Frank Sheffield, Esq. for the Provision of Non-Life Conflict Attorney Services Until June 30, 2004

(This item was voted and approved as described above under Item 9.)

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Winchester and Thaell were out of the Chambers), to approve as recommended, Agenda Items 9, 10, 11, and 12.

12 – Approve the extension of the contract with the present service providers for Non-Life Felony conflict attorney services for a term of nine months, commencing October 1, 2003, through June 30, 2004, and adopt the proposed First Amendment to the agreement.

13. Approval of the Contract Extension with the Apalachee Center for Human Services and North Florida Forensic Psychology Associates for the Provision of Psychological Evaluation Services Until June 30, 2004 and Replacing the Third Service Provider

Chairman Grippa felt that the medical coordinator from the Jail should be involved in the process of determining who should perform the service whether it be Tallahassee Memorial Hospital (TMH), Tallahassee Community Hospital (TCH), or a private group. He stated that someone was released from this facility against a court order because there was a capacity problem. Commissioner

Proctor stated that he has other concerns and would meet with the County Administrator on some issues.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Winchester and Thael were out of the Chambers), to continue this item for one week. Chairman Grippa stated that in the future, that if a contract extension comes before the Board, it would be best to have a representative from the agency/firm to be present.

14. Approval and Authorization to Execute a Closing Agreement with the Internal Revenue Service, the Board of County Commissioners, and Southeastern Community Blood Bank Regarding the Leon County, Florida, Health Facilities Revenue Bonds, Series 1995A (Leon County as Issuer of the \$1,981,875) (Southeastern Community Blood Center Project

The Board approved Option 1: Approve the Closing Agreement with Leon County, the Internal Revenue Service, and the Southeastern Community Blood Bank and authorize the Chairman to execute.

15. Approval of the Annual Contract Between Leon County and the State of Florida Department of Health for the Provision of Public Health Services in Leon County

The Board approved Option 1: Approve the renewal of the Annual Contract between Leon County and the State of Florida, Department of Health, for the provision of public health services in Leon County.

16. Acceptance of Byrne Grant Subgrant for Operations T.H.U.G.S. 2 Program

The Board approved Option 1: Accept the Byrne Grant Subgrant for Operation T.H.U.G.S. 2 Program and authorize the Chairman to execute the Certificate of Acceptance of Subgrant Award

17. Approval of the Reclassification and Pay Grade Increases of the Director of Health & Human Services Position and the Veterans Services Specialist Position

The Board approved Options 1 and 2: 1) Approve the reclassification and Pay Grade increase for the Director of Health and Human Services position; 2) Authorize the reclassification and Pay Grade for the Veterans Services Specialist position.

18. Approval of Tallahassee Memorial Healthcare (TMH) Ambulance Fleet Acquisition on December 31, 2003

The Board approved Option 1: Approve the County's acquisition of 11 ambulances, one supervisory vehicle and one disaster relief vehicle from Tallahassee Memorial Healthcare for \$178,000 and direct staff to work with TMH officials to negotiate a formal contract for this purpose.

19. Approval of Renewal of Health Insurance Coverage for the 2004 Plan Year

The Board approved Options 1 and 2: 1) Approve the renewal rates reflected in Alternative #1 for the new plan year (January 1, 2004 through December 31, 2004); 2) Approve the increase of the "Opt-Out" Program incentive payment to 300.

20. Approval of Insurance Renewal Coverage

The Board approved Options 1 and 2: 1) Approve the recommended program Options (Attachment #2); 2) Authorize the Chairman to sign service agreement(s) and/or contracts(s) for specified insurance coverage once received from selected insurers. See attachment:

21. Consideration of Revisions to Local Preference Ordinance

This item is to consider whether or not to amend the local preference ordinance in order to change the definition of a local business and other clarifications.

Commissioner Proctor pulled this item for discussion and stated that since he is concerned about the RFP for banking services, he is also concerned that this particular definition may or may not address the local preference issue. He asked the County Attorney to look at some issues: Are the services comparable from a local home-based bank versus a bank from North Carolina or out of state; does this encompass enough elements that it would actually cover the banking issues that the Board has talked about. County Attorney Thiele advised that it would, if someone qualifies, give him/her an advantage as a local lending institution.

Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioners Winchester and Thaele were out of the Chambers).

22. Acceptance of Conservation Easement from Pennyworth Homes

The Board approved Option 1: Approve and Accept for recording the Conservation Easement granted by Pennyworth Homes, Inc., for the Stonebriar Subdivision.

23. Approval to Extend the Water Quality Monitoring Contract with McGlynn Laboratories for the Fiscal Year 2003/2004

The Board approved Option 1: Approve the extension of the water quality monitoring contract with McGlynn Laboratories, Inc., for the 03-04 fiscal year, and authorize the Chairman to execute the contract.

24. Approval of New Street Sweeping Contract with the City of Tallahassee

The Board approved Option 1: Approve the new Street Sweeping Agreement with the City of Tallahassee and authorize the Chairman to execute the agreement.

25. Approval to Award Bid to Sandco, Inc., in the amount of \$1,108,788 for Construction of the Pedrick Road Regional Stormwater Facility

The Board approved Options 1 and 2: 1) Approve the bid award to Sandco, Inc., in the amount of \$1,108,788 for construction of the Pedrick Road Regional Stormwater Facility; 2) Approve the attached budget amendment transferring funds from Killearn Acres to the Pedrick Road Stormwater project in the amount of \$105,000.

26. Disposition of County Property located on the Northwest Corner of the Magnolia Road/Miccosukee Road Intersection (Miccosukee Road Improvement Project Parcel #113)

Commissioner Rackleff pulled this item and stated that whoever becomes the purchaser of the subject property which is located across the street from TMH, should provide a building and parking lot that are conducive to pedestrian traffic.

Commissioner Rackleff moved and was duly seconded by Commissioner Maloy to approve Options 1, 2, 3, and 4:

- 1) Accept the bid for \$315,000 from RAM Development Corporation;
- 2) Authorize staff to negotiate a contract for purchase and sale of real property;
- 3) Authorize the County Administrator to execute the purchase and sale of real property;
- 4) Authorize the Chairman to execute the County Deed conveying the title of the property.

Kelly Dozier, 2101 E. Randolph Circle, expressed concern about the development of Walgreen's Drug Store on the property and stated that the area is being rehabilitated as an urban center and there is a lot of pedestrian traffic that should be considered when developing the area. She pointed out that Kate Sullivan Elementary School was nearby and children walking along the road were an important factor to consider.

Mike Murphy, Ram Development Corporation, Palm Beach Gardens, Florida, explained that the Walgreen's village prototype was being used and preliminary meetings were conducted and the best site for the plan was discussed. Mr. Murphy explained that the parking lot could not be changed due to City restrictions.

Commissioner Rackleff pointed out that the problem with the building is that it will be constructed at the back of a parking lot. He stated that there are constraints on the site and the developer believes that the building has to be placed on the back of the lot;

this will cause pedestrians to walk across two rows of parked cars to get to the front door of Walgreen's. Commissioner Rackleff suggested that this should be avoided particularly since the County's goals are to move towards urban neighborhoods. He pointed out that he plans to keep informed about the City's permitting and design decisions in order to get this to be a pedestrian-friendly development.

Commissioner Proctor offered a friendly amendment to send a letter to the City expressing a desire that the issues surrounding the proposed site plan be addressed and to resolve the issues raised.

Following a lengthy discussion, Commissioner Thael requested that the Board designate Commissioner Rackleff to work with Mr. Murphy, Ram Development, and the City of Tallahassee on the site plan.

Commissioner Rackleff then withdrew his motion.

Commissioner Rackleff moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0, (Commissioner Winchester was out of the Chambers), to continue this item and Commissioner Rackleff would work with Mr. Murphy, Ram Development, the residents, and the City of Tallahassee on this issue.

27. Approval to Issue a Request for Proposals (RFP) for the Implementation of the Capital Area Flood Warning Network

The Board approved Options 1 and 2:

- 1) Approve issuance of the RFP for the technical support and installation of the data collection and telemetry system for implementation of the Capital Area Flood Warning Network.
- 2) Approve the attached budget amendment and budget resolution:

28. Authorization to Analyze the Feasibility of a Reusable Resource Center

The Board approved Option 1: Authorize staff to explore and analyze the feasibility of a Leon County Reusable Resource Center.

29. Approval of the Interlocal Agreement with the Capital Regional Community Development District Intersection Improvements at Blairstone Road and Old St. Augustine Road

Commissioner Thaelle pulled this item and asked about the impact of improvements on St. Augustine Road since it was a canopy road.

Mr. Joe Brown, Public Works, explained that staff met with the Canopy Road Committee to review the plan and staff assured the Committee that they would take measures to protect the health of the trees.

Commissioner Thaelle moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Winchester was not present), to approve Option 1: Approve the Interlocal Agreement with the Capital Regional Community Development District for intersection improvements at Blairstone Road and Old St. Augustine Road.

30. Authorization to Negotiate with the Florida Department of Transportation for the Maintenance of Landscaped Medians on Crawfordville and Thomasville Roads

Commissioner Thaelle pulled this item and indicated concern with using the County's tree bank money to water trees in DOT's medians. Ms. Sally Dowlin, Public Works, explained that this does not have anything to do with irrigation but involves planting in the medians.

Commissioner Thaelle moved to approve Option 2: Authorize staff to develop a long-term funding plan for maintenance of landscaped medians in the unincorporated areas of Leon County and bring back to the Board for review and approval. Commissioner Thaelle stated that he would prefer that another source of funds be identified rather than the Tree Bank Fund. The motion was declared dead for lack of a second.

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried 4 - 2 (Commissioners Thaelle and Rackleff voted

in opposition and Commissioner Winchester was out of the Chambers), to approve Options 1 and 2:

- 1) Authorize staff to negotiate with the Florida Department of Transportation for the maintenance of landscaped medians on Crawfordville and Thomasville Roads utilizing the Tree Bank Fund;
 - 2) Authorize staff to develop a long-term funding plan for maintenance of landscaped medians in the unincorporated areas of Leon County and bring back to the Board for review and approval;
31. Approval of Travel Expenses for Commissioner Thael to Attend the Florida Association of Counties (FAC) Board of Directors Meeting and 2004 Legislative Policy Workshop on September 24-26, 2003 in St. Augustine, Fl.

The Board approved Option 1: Approve the travel expenses as requested.

Citizens to Be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

The following citizens appeared:

- a. Mr. Art Jusko, Art Jusko, 1303 Leewood Drive, commented about the viewpoints of Commissioner Thael and Commissioner Winchester regarding funding of the libraries and Emergency Medical Services (EMS). He suggested that the Board purchase the land for the library now and then perhaps build next year; if the land is not purchased now, it will go up in price and only cost the County more in the future.
- b. George E. Lewis, II, 203 North Gadsden Street, No. 6, referred to agenda item #26 regarding the County's proposed purchase of property located on the Northwest corner of the Magnolia Road/Miccosukee Road intersection. He pointed out that the condition was set that the buyer of the property would have to maintain an existing stormwater facility that covers the entire tract. Mr. Lewis stated that the sole bidder was willing to pay \$315,000 for the property and to meet the condition. He suggested that the Board rescind its previous motion on Item #26, continue the item and attempt to accept the bid. He pointed out that the contract was well written from the standpoint of achieving the goals and having the stormwater site maintained, which is an essential requirement for the work that has been done on Miccosukee Road.

Mr. Lewis also referred to comments that OMB Director Alan Rosenzweig made about taxes going down with the budget that is proposed for fiscal year 2003-2004. Mr. Lewis stated that where homestead exemption is claimed and where the maximum increased assessed value has been set by the Property Appraiser, this more than offsets any millage reduction that the County is talking about. He stated that taxes are not going down with the budget that is proposed unless the Board takes action tonight to trim some of the items that are in the proposal. He urged the Commission to not lie to or mislead citizens.

Commissioner Grippa stated, for the record, that his property tax bill went down. Commissioner Thael and County Administrator Alam advised that their tax bill also went down. Chairman Grippa stated that it is not the intent of the Commission to lie to citizens, that he would send a copy of the tax bills to Mr. Lewis as proof and that he expects an apology from Mr. Lewis. Mr. Lewis stated that he lives outside the City limits and his taxes went up 2.4 percent.

- c. Robert Elijah, 1080 Colby Court, spoke about the health care issue and voiced concern that property taxes are being used to pay for free health care for certain individuals. He remarked that the millage to pay for health care has basically doubled, from .06 mills to .12 mills. Mr. Elijah indicated that it would be a problem, if not this year, then next year, because health care costs were on the rise. He noted that the enabling ordinance allows up to ½ mill annually and that citizens should be aware of that. He volunteered to serve on a committee to review the health care issue.

Commissioner Thael invited Mr. Elijah to meet with him and staff to observe the procedures that are in place for quality control for this program.

General Business

- 32. Authorization Regarding a Request on Ochlockonee River and Tired Creek Dam Issues

Commissioner Winchester, as the Board's designee to Grady County regarding the Tired Creek issue, gave a status report on the issue.

Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Options 1 and 2:

- 1) Authorize the issuance of 60-day notice letters and the filing of a lawsuit against defendants identified by the County Attorney's Office and outside counsel;
- 2) Authorize the County Attorney's Office to contest the issuance of a permit for the proposed Tired Creek Dam, including retention of expert services to assist in that process.

The Board engaged in a lengthy discussion and some of the issues addressed were costs of litigation. County Attorney Thiele stated that there would be a significant amount of expense, a six-figure dollar for consultants alone, which has not been budgeted. He stated that when the County prevails, the costs and fees would be reimbursed to the County. Commissioner Thaelle advised that if this item is approved, the Board should amend the budget to include the costs of the lawsuit. He pointed out that he would work with OMB Director Alan Rosenzweig on the cost figures before the second public hearing on the Fiscal Year 2003-04 budget on September 23, 2003.

Chairman Grippo inquired if Grady County and Cairo, Georgia had been notified of this possible lawsuit and staff responded in the affirmative.

Commissioner Proctor suggested that, rather than spending the money on a lawsuit, that it be spent in Leon County to address water quality and flooding problems.

Commissioner Proctor moved a substitute motion to look at the issues of the lawsuit, the total costs involved, and determine what exactly would be reimbursed and bring the information back to the Board. The motion failed for lack of a second.

Commissioner Winchester amended his motion to include the issue of a proposed landfill for Decatur County, Georgia as part of the lawsuit.

The original motion on the floor carried 6 - 1 (Commissioner Proctor voted in opposition).

33. Board Direction Regarding Amending the Architectural Review Board Bylaws and the County Ordinance to Eliminate Term Limits for Members

Ms. Alissa McManus, representing the Tallahassee Trust for Historic Preservation, appeared and requested that the Board approve Options 2 and 5.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Options 2 and 5:

Option 2: Do not amend the bylaws of the County to eliminate term limit requirements for members of the ARB;

Option 5: Appoint Walt Marter to the ARB to replace Terry Peterson.

34. Consideration of the Mid-Year Funding Request from Kids, Incorporated

Commissioner Proctor moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Approve the funding for Kids Incorporated at \$5,000 from the General Fund Contingency Account, approve the associated budget amendment and mid-year funding agreement:

35. Consideration of Mid-Year Funding Request of \$500 for Essence Girls Basketball

Commissioner Proctor moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Approve funding for the Essence Girls Basketball team at \$500 from the General Fund Contingency Account, approve the associated budget amendment and mid-year funding agreement:

36. Consideration of Mid-Year Funding Request of \$2,000 for After School Jazz Jam

The following citizens were present and thanked the Board for their support: Margaret Van Every, Women's Club of Tallahassee; Longineu Pacsens; Phyllis M. Bush, and Dr. Evelyn Ploums-Devick

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve Option 1: Approve funding for the After School Jazz Jams program, at \$2,000 from the General Fund Contingency Account, approve the associated budget amendment, and mid-year funding agreement:

Commissioner Sauls suggested that the program be brought to the rural communities.

37. Approval to Extend the Custodial Services Contract

Staff has received a request for extension from each of the four current custodial service contractors for County buildings. Each of the custodial contracts expires on September 30, 2003. During the budget workshops there were comments from Commissioners that the quality of work from the current cleaning services in the Courthouse was inadequate and that a new contractor should be obtained to provide services. Facilities Management sent out surveys to the liaisons with other County offices and the Constitutionals in all County buildings to assess the satisfaction levels with the cleaning services during the contract period.

The agenda request lists the cleaning service name, number of surveys sent and the results. Mr. Tom Brantley, Facilities Management, explained the results of the survey, which included the following:

- C & L Associates – Those surveyed are 100% in favor of renewing this contract.
- Swifty General Maintenance – Those surveyed are 50% in favor of renewing and 50% not in favor of renewing this contract.
- Step One – Those surveyed are 47% in favor of renewing and 53% not in favor of renewing.
- R & R Corporate Systems – Those surveyed are 41% in favor renewing and 53% not in favor of renewing.

Ron Rigby, R & R Corporate Systems, 1516 C-3 Capital Circle, indicated concern about the survey and evaluation process of the janitorial services.

Jimmy and Lisa Shutes, C & L Associates of Tallahassee, thanked the Board for allowing them to do business with the County. Ms. Shutes asked that the Board continue using the existing policy for evaluating the quality of service for custodial providers, since it accurately reflects the quality of service.

Sarita Carter, 1102 S. Adams Street, Step One, stated that her company is a W/MBE participant and is the only African-American agency in this region that provides jobs for disadvantaged and minorities. She stated that they are committed to economic development for the Southside of the community and asked that the Board grant her the contract for an additional year.

Commissioner Maloy explained that he looked at most of the men's restrooms and other county agencies and talked to various employees about the quality of janitorial work done and it appeared to be satisfactory. He stated that it appears from the survey that "inspectors" of the work show that 79% were satisfied with the service, however, 17 employees surveyed recommended that the R & R contract not be renewed. Commissioner Maloy pointed out that the employees did not know what was called for in the contract. He suggested renewing the contract for one year, identify the problems so R & R could correct them and the Board could reassess the situation next year.

Commissioner Maloy moved and was duly seconded by Commissioner Winchester to approve Options 1, 2, 5, 8, and 10:

- 1) Extend the contract with C & L Associates for one year at a 3% increase in costs;
- 2) Extend the contract with Swifty General Maintenance for one year at a 3% increase in costs;
- 5) Authorize the Board Chairman to execute the agreements;
- 8) Extend the contract with R & R Corporate Systems for one year at a 3% increase in costs;
- 10) Extend the contract with Step One for one year at a 3% increase in cost

Tom Brantley, Facilities Management, stated that R & R did receive a high performance rating on the basis of random inspections that staff routinely performs.

(Vice-Chairperson Sauls assumed the Chair.)

Commissioner Rackleff moved a substitute motion, seconded by Commissioner Grippa to approve Options 1, 2, 3, 4, and 5 as recommended:

- 1) Extend the contract with C & L Associate for one year at a 3% increase;
- 2) Extend the contract with Swifty General Maintenance for one year at a 3% increase in costs;
- 3) Extend the contract with R & R Corporate Systems at a 3% increase for a four-month period of time (October 1, 2003 to January 31, 2003), and direct staff to re-bid the work;
- 4) Extend the contract with Step One at a 3% increase for a four-month period (October 1, 2003 to January 31, 2003) and direct staff to re-bid the work;
- 5) Authorize the Board Chairman to execute the agreements

Commissioner Proctor engaged in discussion about the survey process that was conducted by County employees and elected officials and suggested that it indicated racism.

Commissioner Thaeli suggested that the process involving the survey should be reviewed, that a firm accountability criteria be established that is fair, that there be a follow-up on the pass/fails list, and that the survey be broadened to include more people.

County Administrator Alam explained that the survey involved various individuals in County Offices and Elected Officials; the numbers represent a group of individuals.

Commissioner Rackleff amended the substitute motion to approve Options 1, 3, 4, and 5, and modify Option 2 to extend the contract with Swifty General Maintenance for a four-month period of time rather than one-year extension.

Commissioner Maloy explained that he was not aware that complaints were to be made to assigned employees and others probably would not have known either.

Chairman Grippa opined that at times, the Courthouse was disgraceful and that some other elected officials felt the same. He felt that Facilities Management was handling the issue and suggested that staff's recommendation be approved.

The substitute motion (as amended) failed 2 - 5 (Commissioners Thaeli, Proctor, Sauls, Maloy, and Winchester voted in opposition).

The original motion on the floor to approve Options 1, 2, 5, 8, and 10 carried 5 - 2 (Commissioners Grippa and Rackleff voted in opposition).

38. Authorization for the Planning Commission to Conduct a Consistency Review and to Conduct Two Public Hearings for the Ordinance for Tributary and Water Body Buffers in the Lake Lafayette Special Development Zone

Commissioner Thaeli moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Recommend that the Planning Commission conduct a Consistency Review and direct staff to schedule two public hearings on the ordinance for tributary and water body buffers in the Lake Lafayette Special Development Zone.

39. Expirations, Vacancies, and Appointments

Code Enforcement Board: Commissioner Rackleff appointed June Vickers; Chairman Grippa appointed Becky Henderson.

Enterprise Development Zone Agency Board of Commissioners:
The Board continued this appointment.

The Board then entered discussion regarding Item 42.

Public Hearings, 6:00 p.m.

40. First Public Hearing to Adopt the Proposed Millage and Budget for Fiscal Year 2003/2004

Pursuant to legal advertisement a public hearing was conducted on the proposed millage and budget for fiscal year 2003-2004.

Art Jusco, 1303 Leewood Drive, Vice-chair of Primary Healthcare, appeared and stated that he supports the program but recommended that the County look at other ways to pay for it rather than the MSTU.

Ted Thomas, 1469 Vieux Carre Drive, Council of Business Associations, voiced concern about the ad valorem revenue. He suggested that EMS should stay under TMH and pointed out that there was no capital for branch libraries at this time.

Robert Mason, 811 Live Oak Plantation Road, indicated his support for keeping funds in the budget for the new branch libraries.

Ann Bidlingmaier, 1920 Harriet Drive, stated that the County already has branch libraries which are sufficient and indicated that there was no need for construction of a stand alone building for the two branch libraries.

Irvin Jackson, citizen, appeared and suggested that the County work with the School Board on use of libraries at the schools. He indicated opposition to building branch libraries but supported obtaining materials for students. Mr. Jackson stated that due to the economic times, it was not appropriate for Commissioners' pay raises or car allowances, building new buildings, and raising taxes.

Dorothy Spence, 3982 Chaires Cross Road, referred to the County's proposal to construct additional libraries, employee pay

raises and car allowances, and asked why there was no library proposed for the Chaires area.

The Board took the following actions:

Option 1: Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Adopt the attached Resolution R03-51 approving the tentative Fiscal Year 2003-2004 countywide millage rate of 8.5500 mills:

Option 2: Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 2: Adopt the attached Resolution R03-52 approving the tentative Fiscal Year 2003-2004 Countywide budget in the amount of \$217,547,916 (including Attachments A and B):

Option 3: Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 3: Adopt the attached Resolution R03-53 approving the tentative Fiscal Year 2003-2004 Primary Health Care MSTU (municipal services taxing unit) millage rate of 0.1200 mills:

The Board debated the issue and Commissioner Proctor indicated that a \$.05 sales tax was more equitable than property tax.

The motion carried 5 – 2 (Commissioners Grippa and Winchester voted in opposition).

Commissioner Thael moved and was duly seconded by Commissioner Proctor to direct staff to bring back an agenda item on information regarding voter approval of the health care surtax and limiting the tax for a certain amount of time. The Board engaged in some discussion on the issue and Commissioner Rackleff indicated that this would be premature at this time. Commissioner Thael withdrew his motion.

Option 4: Commissioner Thael moved, duly seconded by Commissioner Proctor and carried 6 – 2 (Chairman Grippa voted in opposition), to approve Option 4: Adopt the attached Resolution R03-54 approving the tentative Fiscal Year 2003-2004 Primary Health Care MSTU (municipal services taxing unit) budget in the amount of \$2,303,593:

Option 5: Commissioner Rackleff moved and was duly seconded by Commissioner Maloy to approve Option 5: Adopt the attached Resolution R03-55 approving the tentative Fiscal Year 2003-2004 Emergency Medical Services MSTU (municipal services taxing unit) millage rate of 0.5000 mills:

The Board entered a lengthy discussion regarding this item.

Chairman Grippa explained that he received a letter from the CEO of Tallahassee Memorial Hospital (TMH), Mr. O'Bryant, indicating the possibility of housing the ambulances at TMH and using their command center which would reduce costs. County Administrator Alam explained that the new County EMS system would be much better than TMH's system; there will be a new CAD System in every ambulance. This will allow them to communicate with the Fire Dept ALS (advanced life support) system. Mr. Alam pointed out that the ALS System will not be able to work with the existing TMH system – the computers (CAD) between the Fire Department and the Police Department do not communicate with the computers at TMH. Mr. Alam pointed out that there are a lot of issues involved. Chairman Grippa requested that staff provide the issues prior to the Board's final vote on the budget since there may be an opportunity to save some money.

Commissioner Rackleff advised that if the Board adopts the proposed budget, there would still be efforts to reduce costs and find efficiencies to reduce the burden of the EMS/MSTU property tax. He stated that he is hearing from staff and the Board that it would be best to follow through with the current plan, which is to have the facility at the Public Works department. Mr. Alam stated that it is staff's goal to do away with the MSTU, if not in one year, in two years, and absorb the costs in the regular budget, but they must start with the right capital facilities. He explained that staff has looked at all aspects. Commissioner Sauls indicated that the County was too far along in establishing a County EMS to change and pointed out that public safety was number one priority. Mr. Alam advised that at the first meeting in October, a full presentation on the different aspects of the County's EMS system could be made if the Board so desired.

Alan Rosenzweig, OMB Director, explained that the first year property tax subsidy for EMS is approximately \$4.5 million and in the second year it is \$2.2 – 2.3 million.

Chairman Grippa pointed out that the Board is making a decision based on the safety of the public and not the politics between TCH

and TMH. He stated that at a later time, he would ask staff about the number of ambulances going to TCH and TMH.

Commissioner Thael indicated that the money budgeted for the two branch libraries could be better used to reduce the MSTU for Emergency Medical Services (EMS) and remarked that there was no plan for paying for recurring (operating) expenses for the branch libraries. The Chairman advised that this discussion could occur during the discussion on budget cuts (Item 45).}

The motion on the floor carried 5 - 2 (Commissioners Thael and Grippa voted in opposition). See attached Resolution R03-54:

Option 6: Commissioner Rackleff moved, duly seconded by Commissioner Maloy and carried 6 –1 (Chairman Grippa voted in opposition), to approve Option 6: Adopt the attached Resolution R03-56 approving the tentative Fiscal Year 2003-2004 Emergency Medical Services MSTU (municipal services taxing unit) budget:

Option 7: Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 7: Direct staff to advertise, in accordance with the Florida Statutes, the tentative millage rates and budgets for Fiscal Year 2003-2004 and the date, time, and place of the public hearing to adopt the tentative millage rates and budget for Fiscal Year 2003-2004.

41. First Public Hearing to Consider Modifying the Project List to Be Funded with the County Share of the Once-Cent Sales Tax Extension

Pursuant to legal advertisement, a public hearing was conducted:

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1: Direct staff to schedule the second Public Hearing for September 23, 2003 to consider, for final approval, the resolution modifying the sales tax extension list.

The Board then discussed the Consent Agenda.

Discussion Items by Commissioners

42. Consideration of a Mid-Year Funding Request of \$5,000 for the Boys and Girls Club in Miccosukee to Fund Academic Enhancement Through the "Ounce of Prevention" Program

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Rackleff and Maloy were out of the Chambers), to agenda this item for consideration.

43. Consideration of a Request for Donation of Fencing Material for ECHO's Bethany Family Apartments Children's Playground

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioners Rackleff and Maloy were out of the Chambers), to agenda this item for consideration.

44. Reconsideration of FY 2003-04 Funding for Lake Jackson and Apalachee Parkway Branch Libraries for the Purpose of Emergency Medical Services (EMS) Property Tax Elimination

Commissioner Thael withdrew this item from the agenda.

45. Review of Proposed Budget Cuts to Eliminate the Emergency Medical Services (EMS) Municipal Taxing Unit (MSTU)

Vice-Chair Sauls assumed the Chair.

Commissioner Grippa moved and was duly seconded by Commissioner Thael to waive the Board's Rules and Procedures so that the Board may consider this item. The motion failed 5 – 2 (Commissioners Proctor, Rackleff, Sauls, Maloy and Winchester voted in opposition).

Commissioner Grippa moved and was duly seconded by Commissioner Thael to place this item on the September 23, 2003 agenda. The motion failed 5 – 2 (Commissioners Proctor, Rackleff, Sauls, Maloy and Winchester voted in opposition).

Commissioner Winchester

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Chairman Grippa was out of Chambers), to agenda a funding request of \$1,000 by Suwanee River Area Council Boy Scouts of America, to purchase a table at a benefit banquet honoring Sheriff Larry Campbell.

Commissioner Maloy

Requested condolences for Mr. Steve Beasley and family on the passing of Dr. Nikki Beasley. Commissioner Thael requested a resolution in commemoration of Dr. Beasley.

Commissioner Sauls

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Grippa and Winchester were out of the Chambers), to agenda the issue of Highway Safety Memorial Markers for October 14, 2003 meeting.

Commissioner Rackleff

Reminded the Board that organizations requesting funding from the County should go through the Community Human Services Partnership (CHSP) process and cautioned the Board to appropriate General Contingency monies rationally.

Commissioner Proctor

- a. Requested a travel request be placed on the September 23, 2003 agenda.

- b. Requested that a resolution celebrating the 25th anniversary of FAMU's Division II National Championship.

Commissioner Thael

- a. Requested a resolution honoring the County's Management Information System (MIS) Division for ranking 2nd in the country for medium-sized counties by NACo and Digital Counties E-Government survey.
- b. Distributed a letter he received from Mr. Carl Duncan from Whispering Pines East regarding the County's direction to assist Killearn Lakes homeowners with installing sewer systems. Commissioner Thael explained that Mr. Duncan opposed the diversion of Blueprint 2000 funds for use to benefit one neighborhood and requested assistance from the County regarding bringing the roads up to standard, installing a sewer system, and enlarging the water mains. Commissioner Thael requested that staff agenda this issue.
- c. Commissioner Thael expressed concerns about the dangers of indoor mold. Commissioner Thael moved, duly seconded by Commissioner Maloy and carried 5 – 2 (Commissioners Gippa and Sauls voted in opposition), to direct staff to work with the Health Department and bring back an agenda item for Board review regarding the science of the issue and the options available to the County for conducting mold inspections for businesses and citizens. Commissioner Proctor stated that he wanted a timeline and budget amounts for the mold inspections performed at the Courthouse.
- d. Requested that the Marsha Sutherland flooding problem issue be placed on the October 14, 2003 Board meeting agenda.

Chairman Grippa

- a. Requested that staff bring back an update regarding the holding pond on Pedrick Road including the start date, completion date and other issues. The County Administrator suggested that a memorandum be sent to Commissioners to provide the requested information.
- b. Requested a motion to place on the agenda the purchase of property owned by Libby Mitchell. Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to agenda the purchase or to place on the Flooded Property

Acquisition list, property owned by Libby Mitchell for October 14, 2003.

- c. Requested that a letter be sent to the developer of Welaunee Plantation and a letter to the City requesting an update regarding flood mitigation.

Commissioner Thaelle reminded the Board that he has requested information regarding the siting of regional ponds. Mr. Kraynak, GEM Environmental Compliance, stated that he would be sending the Board a memo regarding the issue.

Commissioner Thaelle moved, duly seconded by Commissioner Grippa (Vice-Chair Sauls assumed the Chair), to place the funding request by Workforce Plus on the September 23, 2003 Board meeting agenda.

- d. Requested a review of the application for the Flooded Property Acquisition List
- e. Requested a resolution recognizing Val Hubbard, Interim Planning Director for her service to Leon County – City of Tallahassee Planning Department.
- f. Requested that the County Administrator prepare an agenda item on what the County should do regarding the Planning Department since some key employees will be leaving.

There being no further business to come before the Board, the meeting was adjourned at 10:50 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court